

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

JOE HAND PROMOTIONS, INC.,

Plaintiff,

V.

EDEN J. STEAK LLC, et al.,

Defendants.

Case No. 2:12-cv-01930-RFB-PAL

REPORT OF FINDINGS AND RECOMMENDATION

12 This matter is before the court on Defendants' Eden J. Steak, LLC, and Albert S. Lee's
13 failure to comply with this court's Order (Dkt. #36) and Order to Show Cause (Dkt. #46).
14 Plaintiff also filed a Motion for Sanctions and For Entry of Default Judgment (Dkt # 45) based
15 on the Defendants' failure to comply.

16 On May 5, 2015, the court entered an Order (Dkt. #36) giving Defendant Albert S. Lee
17 until May 19, 2015, to retain substitute counsel who should make an appearance in accordance
18 with the requirements of the Local Rules of Practice, or to file a notice with the court advising
19 that Mr. Lee would be appearing in this matter pro se. The order warned Mr. Lee that his
20 failure to comply “may result in the imposition of sanctions, which may include a
21 recommendation to the district judge that a default judgment be entered”. Mr. Lee failed to
22 retain substitute counsel and failed to file a notice with the court advising that he would be
23 appearing pro se. Mr. Lee also did not request an extension of time in which to comply with the
24 court’s Order (Dkt. #36).

25 As a corporation cannot appear except through counsel, the court also entered an Order
26 (Dkt. #36) on May 3, 2015, giving Defendant Eden J. Steak, LLC until May 19, 2015, in which
27 to retain substitute counsel who should make and appearance in accordance with the
28 requirements of the Local Rules of Practice. The order warned Eden J. Steak, LLC that failure

1 to comply "may include a recommendation to the District Judge that a default judgment be
2 entered". Eden J. Steak, LLC failed to retain substitute counsel and did not request an extension
3 of time in which to comply with the court's Order (Dkt. #36)

4 On June 2, 2015, the court entered an Order to Show Cause (Dkt. #46) because
5 Defendants Albert S. Lee and Eden J. Steak, LLC both failed to comply with the previous Order
6 (Dkt. #36). The court directed both Albert S. Lee and Eden J. Steak, LLC to show cause in
7 writing no later than June 22, 2015, why each had not complied with the Order (Dkt. #36). The
8 Order to Show Cause (Dkt. #46) advised Defendants Albert S. Lee and Eden J. Steak, LLC that
9 "[f]ailure to timely comply with this order to show cause will result in the recommendation to
10 the District Judge that the noncomplying Defendants' answers be stricken and default judgment
11 entered against them." Defendants Albert S. Lee and Eden J. Steak, LLC both failed to file a
12 response to the Order to Show Cause (Dkt. #46), and they have not requested an extension of
13 time in which to do so.

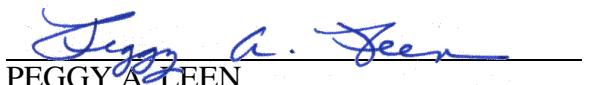
14 Defendants' Albert S. Lee and Eden J. Steak's willful failure to comply with the court's
15 Orders is an abusive litigation practice that has interfered with the court's ability to hear this
16 case, delayed litigation, disrupted the court's timely management of its docket, wasted judicial
17 resources, and threatened the integrity of the court's orders and the orderly administration of
18 justice. Sanctions less drastic than default judgment are unavailable because Defendants have
19 willfully refused to comply with multiple court Orders and the Local Rules of Practice.

20 Accordingly,

21 **IT IS RECOMMENDED** that:

22 1. Default judgment be entered against Defendants Albert S. Lee and Eden J. Steak,
23 LLC.
24 2. Plaintiff's Motion for Sanctions and For Entry of Default (Dkt #45) be **GRANTED**.

25 DATED this 17th day of July, 2015.

27 
28 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

NOTICE

2 These findings and recommendations are submitted to the United States district judge
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
4 after being served with these findings and recommendations, any party may file written
5 objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing
6 to object to the findings and recommendations of a magistrate judge shall file and serve *specific*
7 *written objections* together with points and authorities in support of those objections, within
8 fourteen days of the date of service of the findings and recommendations. The document should
9 be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The parties
10 are advised that failure to file objections within the specified time may waive the right to appeal
11 the district court’s order. *See Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and
12 authorities filed in support of the specific written objections are subject to the page limitations
13 found in LR 7-4.